

APPENDIX I – WATER SHORTAGE CONTINGENCY ORDINANCE

RESOLUTION NO. 04-06-R

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD PROHIBITING
CERTAIN USES OF WATER FOR WATER CONSERVATION PURPOSES AND
DECLARING AN EMERGENCY**

At a regular meeting of the City Council of the City of Hanford duly called and held on the 20th day of January, 2004, it was moved by Council Member AYERS, and seconded by Council Member CHIN, and carried that the following resolution be adopted:

WHEREAS, California Water Code Sections 375 et. seq. permit public entities which supply water to adopt and enforce a water conservation program; and

WHEREAS, the City Council has adopted certain water use restrictions included in Chapter 13.04 of the Hanford Municipal Code; and

WHEREAS, the City Council finds and determines that a water shortage could exist due to increased demand or limited supply; and

WHEREAS, the City Council finds it may become necessary to increase water conservation restrictions in the interest of the people and for the public welfare.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hanford approves and adopts the Emergency Water Conservation Policy attached hereto and made a part hereof.

Passed and Adopted at a regular meeting of the City Council of the City of Hanford held on the 20th day of January, 2004, by the following vote:

AYES:

Council Member

AYERS

CHIN

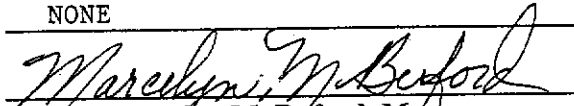
GALLEGOS

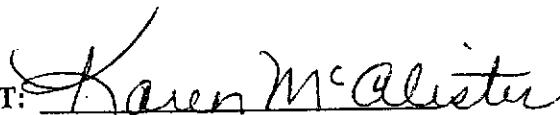
BUFORD

NOES: Council Member NONE

ABSTAIN: Council Member NONE

ABSENT: Council Member NONE

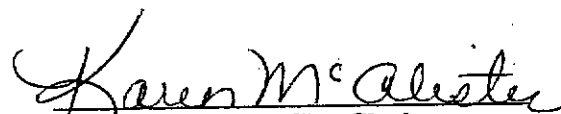

Marcelyn M. Buford, Mayor

ATTEST: 
City Clerk

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, KAREN McALISTER, City Clerk of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted by the City Council of the City of Hanford at a regular meeting thereof held on the 20th day of January, 2004.

Dated: January 21, 2004


Karen McAlister, City Clerk

EMERGENCY WATER CONSERVATION POLICY FOR THE CITY OF HANFORD

Section 1. Declaration of Policy. California Water Code Sections 375 et. seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The City Council of the City of Hanford ("Council") hereby establishes a water conservation program pursuant to California Water Code Sections 375 et. seq. based upon the need to conserve water supplies and to avoid or minimize the effects of future shortage.

Section 2. Findings. The Council finds and determines that certain conditions could occur in the City to require that the water sources available be placed to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such water be encouraged with a view to the maximum reasonable and beneficial use thereof in the interest of the people and for the public welfare.

Section 3. Application. The provisions of this policy shall apply to all water served to persons, customers and property by the City.

Section 4. Authorization. The City Manager or a designated representative is hereby authorized to implement the provisions of this policy as directed by the Council. Additionally, the City Manager or designated representative is hereby authorized to make minor and limited exceptions to prevent undue hardship or unreasonable restrictions, provided that water shall not be wasted or used unreasonably and the purpose of this policy can be accomplished.

Section 5. Water Conservation Stages. No person shall knowingly use water or permit the use of water supplied by the City for commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provisions of this policy. At no time shall water be wasted or used unreasonably.

The following stages shall take effect upon declaration as herein provided:

(a) Stage 1 - Enforcement Required - Minor Shortage Potential.

Stage 1 applies during periods that the City determines that water usage should be reduced approximately 10% - 20% in order to meet all of the water demands of its customers, either now or in the foreseeable future. Implementation of Stage 1 should result in a minimum of 10% reduction in water use from a base period to be determined at the time of declaration.

(b) Stage 2 - Enforcement Required - Moderate Shortage Potential.

Stage 2 applies during periods when the City determines that water usage should be reduced approximately 20% - 35% in order to meet all of the water demands of its customers now or in the foreseeable future. Implementation of Stage 2 should result in a minimum of 20% reduction in water use from a base period to be determined at the time of declaration.

(c) Stage 3 - Enforcement Required - Critical Shortage Potential.

Stage 3 applies during periods when the City determines that water usage should be reduced approximately 35% - 50% in order to meet all of the water demands of its customers now or in the foreseeable future. Implementation of Stage 3 should result in a minimum of 35% reduction in water use from a base period to be determined at the time of declaration.

Specific mandated restrictions in water use for Stages 1, 2 and 3 shall be determined by the Council and include:

- 1) Landscape (except residential) - Eliminate watering of ornamental turf areas. Water only actively used turf areas no more than twice per week. Trees and shrubs may be watered only twice per week using a hand-held hose with a positive shutoff nozzle or drip irrigation. Use of reclaimed water, however, is exempt.
- 2) Household and Household Members (residential landscapes) - Water no more than twice per week using only hand-held hose with positive shutoff nozzle or drip irrigation systems. Eliminate sprinkler use.
- 3) Construction Usage - All construction water must be reclaimed or nonpotable. Issuance of construction meters will be only for testing and disinfection of potable water lines.

- 4) **Development Construction** - Prior to the issuance of any building permit, the developer will be required to certify that a reduction (20% for Stage 1, 35% for Stage 2 and 50% for Stage 3) of the projected average water usage for that development shall be achieved.

Section 6. Implementation of Conservation Stages. The City shall monitor the projected supply and demand for water by its customers on a daily basis. The City Manager shall recommend to the Council the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the City to prudently plan for and supply water to its customers. Thereafter, the Council may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provision of this policy. The declaration of any stage shall be made by a mass mailing, and public announcement and notice shall be published a minimum of three (3) consecutive times in a newspaper of general circulation. The stage designated shall become effective immediately upon announcement.

Section 7. Violations, Notices, Penalties. The following list of penalties is currently enforced and included in Chapter 13.04 of the Hanford Municipal Code. For clarification and communication purposes, the penalties have been included in this policy.

The violation of any provisions of this policy shall result in the following actions by the City:

(Flat Rate Customers)

1. **First Violation.** A verbal warning of the violation shall be issued by the public works department personnel or police department to the respective water customer of the City.
2. **Second Violation.** A written notice of the violation shall be issued by public works department personnel or police department to the respective water customer of the City.
3. **Third Violation.** A written notice of the violation shall be issued by public works department personnel or police department to the respective water customer of the City, and a charge of fifteen dollars (\$15.00) shall be added to the next water bill of such customer as a one time charge for such violation. The customer shall pay the full amount of such charge within thirty (30) days of the date of the water bill.

4. **Fourth Violation.** A written notice of the violation shall be issued by public works department personnel or police department to the respective water customer of the City, and a water meter shall be installed by the City to meter all water use upon the real property where the violation occurred. All costs of the purchase and installation of the water meter including, without limitation, City overhead shall be billed to the respective water customer of the City, and the customer shall pay the full amount thereof within thirty (30) days of the date of billing.
5. **Fifth Violation.** A written notice of the violation shall be issued by public works department personnel or police department to the respective water customer of the City, and a charge of fifty dollars (\$50.00) shall be added to the next water bill of such customer as a one time charge for such violation. The customer shall pay the full amount of such charge within thirty (30) days of the date of the water bill.

(Metered Customers)

- a) The notices and charges for metered water service shall be the same as flat rate water service with regards to violations as identified in subdivisions 1), 2), 3) and 5) of this subsection.
- b) As regards a fourth violation by a customer with metered service, a written notice of the violation shall be issued by public works department personnel or police department to the respective water customer of the City, and a charge of twenty-five dollars (\$25.00) shall be added to the next water bill of such customer as a one time charge for such violation. The customer shall pay the full amount of such charge within thirty (30) days of the date of the water bill.

(As to Flat Rate and Metered Service)

6. **Sixth Violation.** A written notice of the violation shall be issued by public works department personnel or police department to the respective water customer of the City, and a water flow restricter shall be installed by the City to restrict water use upon the real property where the violation has occurred. All costs of purchase and installation of the water flow restricter including, without limitation, City overhead shall be billed to the customer, and the customer shall pay the full amount of such cost within thirty (30) days of the date of billing. The flow restricter shall remain installed until the customer has provided the City's public works department with evidence that the customer has modified its water use so that it will not again violate the ordinance codified in this section or the provisions of this policy.